4530

App. F. IX-4

1950-54
CB)

File No. 40-50

Previous References.
CB.40-50-1.

Serial Nos. 2

Later References.
C.B.40-50-3
G.D.77-55 (1+2)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for December 1950.

SUBJECT

In Modification to G.O 91-5-50 Sri Ganapathi Sundram Mayor granted Combined leave for six Months from 26 April 1950 preparatory to Retirement from Service at the end of the Period of Leave.

G.O.M. 13749-50/CB/40-50-2 of 29 Dec 1950

To
The Registrar, High Court
The Accountant General, (Mills & Fd).

WD 010861—GPB—25,000—18-9-50.

(120)

Representation of Sri S. Ganapati Sundaram Dt. Judge (on leave)

General and Revenue Secretariat | File No. 1397/CB. of 195 | [App. F. III-2

WD 07558—GPB—1,000—28-1-50

Serial No.

Letter No. R.O.C. 694/49-50 dt 14th June 1950 from the Registrar, High Court of Mysore, forwards for sympathetic consideration, the representation of Sri S. Ganapathi Sundaram, District Judge, on leave requesting that he may be granted 6 months Combined leave in modification of leave granted to him in G.O. dt 1/5/50.

'A'

On G.O. dt 1/5/50. Sri S. Ganapathi Sundaram was granted 8 days P.L and furlough on full average salary for three months from 26th April 1950. This was in accordance with the recommendation of the High Court that he may be granted 3 months and 8 days leave.

2) The request of Sri Ganapathi Sundaram is that he may be granted 6 months Combined leave (3 months P.L and 3 months F.L on full average Salary) under Art. 209 (a) of M.S.R. which the High Court recommends for sympathetic Consideration.

3) The request of this officer is not based on any rules or regulations. There is no provision in the M.S.R. to grant his request. The only consideration is in favour is humanitarian Consideration, which calls for a deviation from the provisions laid down for in the M.S.R. All the points

NOTE—Contn. Sheet

points urged by this officer can be categorically disproved. The pivotal point on which his request rests is that he was not well conversant with Mysore Govt. leave rules & that he was & under the bonafide mistaken impression that he was entitle ~~ed~~ to 6 months leave, at a time, under Fundamental Rules, by which he was governed prior to Retrocession. Though he was not well conversant with this Govt. leave rules — on the contrary which he must be, since he became a Servant of this Govt. he ought to be well conversant with the Common law, he being a man from judicial deptt, that ignorance of law is no excuse. His contention that he was under the impression that he may get an extention of Service is not a ground for his not applying for leave well in time. He applied for leave on 20-12-48 for grant of leave for 6 months from 26/12/48. Which was refused in the interest of Public Service. Hence according to Rule 149 he was granted the leave after retirement, ~~from the date~~ as per the recommendation of the H.C. ~~officer on 20/12/48 for leave. The whole leave that could be granted under the rule was granted to him viz. from 26/12/48 the date of his application to the 20-2-49, the date of his retirement, after his retirement.~~

4) He contended that he was not informed

Representation of Sri Ganapathi Sundaram.

Serial No.

Six months prior to his termination from Service of it as is the practice. This is not correct. Govt are not informing or bound to inform officers of their termination at an early date.

This is the practice

5) He also states that he applied for leave for 6 months from 26/12/49 as he "conscientiously felt that he should dispose of some old and tough part heard cases before proceeding on leave". Otherwise, he says that he would have applied for leave immediately after receipt of the intimation about his retirement. This may not be wholly true as he himself has admitted of his ignorance of leave rules. He has been very calculative in applying for the full period of leave for which he says, he thought that he was entitled. Its supposed Conscientiousness of his duties has to be suspected in view of another factor also. In the very next sentence he says that he would have applied much earlier for 6 months leave from 26-10-49:

?

97

6) He further states that the Consideration for the refusal of 4 months leave to him from 26/12/49 would have prevailed for not granting him leave for six months from 26-10-49. It is not correct to assert that the same reasons would have prevailed two months earlier which existed two months later.

Note—Contn. Sheet

Serial No.

7) It is also said that he did not avail himself of leave for more than 3 months for his total service of 27 years. This rather appears to be a more a matter to be proud of for having served restlessly than to repent for not taking the leave.

8) In the last paragraph of this letter he states that he was on duty till the afternoon of the 25/4/50 when he handed over charge to Janab Abdul Wabi. and that he was not permitted on receipt of any communication from the High Court granting him leave from 3-4-50 to 25/4/50. the ~~intervening~~ intervening period being summer vacation. It has to be noted that he was superannuated on 26/4/50 and as such till that date he was on duty, and even the leave granted to him is only from 26/4/50. as per G.O. Dt 1/5/50.

9) In the above circumstances the request of the officer to grant him 6 months Combined leave from 26/4/50 supported by the H.C. is for orders with financial concurrence

~~If~~ However there is one point in his favour. Since he applied for leave from 26-12-49 to 26-4-50 ie., for a period of 4 months he could have been granted leave for a period of 6 months from 26/4/50 the date of his superannuation. But as recommended by the H.C. he was granted 3 months and 8 days Leave permitting to ~~as~~ prefix a portion of the Summer vacation from 3rd April 1950 to 25/4/50.

3
A'

Representation of Sri Ganapathi Sundaram

(20)

General and Revenue Secretariat

File No. 1397/CB. of 195

[App. F. III-2

WD 07558—GPB—1,000—28-1-50

Serial No.

17. Govt in para 3 page 4 of his representation he says that he did not receive any communication from the Hte. permitting him to avail himself of the summer vacation, nor he says he applied for permission. If this were to be true he has to be deemed to be on duty till 26-4-50 the date of his relief and perhaps he may be granted leave for that period also. Viz. from 3-4-50 to 25/4/50. This would be in accordance with rules in Articles 181 to 185 of M.S.R.

Submitted for orders with financial concurrence.

22/6/50

12) Orders already issued in this Case were based on the recommendations of the High Court. If the High Court propose to revise those recommendations and request revised orders of Govt. they may be requested to have the Case examined and to forward specific proposals for consideration by Govt. The recommendation for a mere sympathetic consideration of the Officer's request does not seem to afford a sufficient or a satisfactory basis for examining the claim for leave.

22.6.50

13) It will, if approved, be done.

Law Secy)

24/6/50

10/7/

10/7/50

??

GENERAL & REVENUE SECRETARIAT
10 JUL 1950
CONFIDENTIAL BRANCH.

7153
23 JUN 1950

OFFICE OF THE MINISTER FOR FINANCE & INDUSTRIES.
No. 2381
NOTE—Contn. Sheet
Date 10-7-50

(20) Representation Sri Ganapathi Subbarao

File No. 1394/C/3 of 195 . | General and Revenue Secretariat

Serial No.

15) 'B' in para 11 may be done
H.E.S
25-7-50.

1884
25/7/1
xmR
25/7/50

~~accepts orders put up for approval.~~

WMB 26/7/50 13) Before issue of orders the exact period of leave to which he is entitled to as per para 11 may be got verified by referring this file c/o to the Accountant General, if approved.

APD 29/7/50 17) For perusal before sending an extract to the A.G. for verification.

Chief Secy)
29.7.50.

xmR
29.7.50

13) I want it to be explained why this was not marked to the Chief Secretary also on 24-6-50, in spite of repeated cautionings in this behalf.

HS.
29.7.50
xmR
31/7/50

14) The orders suggested at para 13 on 24/6/1950 were to the effect that the High Court might be requested to examine the case and to forward specific proposals. Final orders were not sought for the disposal of the case, and it was therefore thought that it was unnecessary to trouble the Chief Secretary at that stage. It was not also anticipated that orders other than those suggested at para 13 would be passed. In the circumstances, the omission to mark the case to the Chief

GENERAL & REVENUE SECRETARIAT 25 JUL 1950 CONFIDENTIAL BRANCH

CHIEF SECRETARY 3910 29 JUL 1950 GOVT. OF MYSORE

120/CB Representation of Sri Ganapathisundaram.

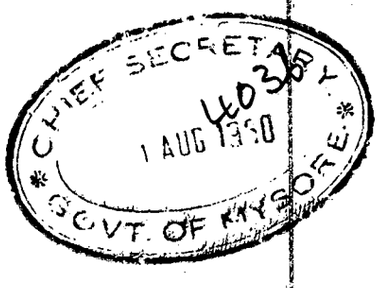
General and Revenue Secretariat | File No. 1397/C.B. of 195 | [App. F. III-2

WD 07558—GPB—1,000—28-1-50

Serial No.

Secretary may kindly be condoned, and approval conveyed to refer the matter to the Accountant-General for verification.

Chief Secy) Kmk 1/8/50



20) The above does not absolve the omission to mark the papers to the Chief Secy, when it was marked to the Law Secy. I think it will not occur.

21) The amount regd. at para 16 may be obtd from A-G.

VS 1/8/50
Kmk 1/8/50

Forwarded Sd to the Accountant General Mysore, Blore, for favour of furnishing information required at paragraph 16 above for early return.

for Chief Secretary to Govt.

HPA 2/8/50

22) Draft letter put up as per instructions.

23) Issue Kmk 2/8/50.

HPA 2/8/50

2.8.50. No. 7158 (ex. M) 3/8/50

To the A.G. Mysore, Blore, request to intimate the leave that could be granted in the circumstances.

Note—Contn. Sheet

Further leave to Sri. S. Ganapati -

File No. Sundaram - Dr. Judge of 195 . | General and Revenue Secretariat

1397/CB

1397 & 3730

Serial No.

2) The file is put up as required today are to Telephone Minister Ltd)

11/5 10/8 Reminder 10/8/50

3) I should like to see the file after the Ag. furnishes his views. RTD 11/8

3331 11/8

11/5 11/8 Reminder 11/8/50.

CHIEF SECRETARY GOVT OF MYSORE

Draft reminder to Ag is noted

CKP 27/9/50

27) Issue Reminder 27.9.50.

Ltr 27.9.50.

Letter to 9118/CB dt 29-9-50 to the Accountant General - Mysore -

Letter No. 602/Gen D dt 30-9-1950 from the Accountant General ... that in the circumstances explained by him, he is not entitled to any compensation ...

Sub for perusal with reference to paras 15 and 25 of the notes.

CKS 9/X/50

Ltr 9.10.50.

Serial No.

29) orders already issued in this case are based on the recommendations of the High Court, who after a due examination of the points urged by Sri Ganapathi-sundaram in his several representations, were unable to accept them and even characterised one of the points urged by the officer as mere presumption contrary to the spirit of M.S.R.

30) In forwarding the latest representation of Sri Ganapathi sundaram the High Court have suggested that the prayer may be considered sympathetically, but have not indicated the specific manner in which this may be done. In some recent cases, the Accountant-General has questioned the grant of leave as a "spl case" and it is understood that matter may go upto the Auditor-General for a ruling in such cases.

31) In order to be able to examine the case & to obtain orders of Govt, it may be best to ask the High Court to revise their previous recommendations and to forward specific proposals to ensure the sympathetic consideration of the representation

of (para 5)

NOTE—Contn. Sheet.

Further Leave to Sir S. Ganapathy Sundaram

File No. Dist Judge 3730/CB of 19 .

General and Revenue Secretariat

Serial No.

which they have in view.

Law Secy) ... KMR 12.10.50

Chief Secy) ... RSD 13/10

May be perused by the Law C. Heirs the Hon Law Heirs had suggested of the case.

Heirs Ltd) ... 3rd) HC 13/10

Ch Heirs) ... 14/10/50

4th) may be considered ... 14/10

5th) Mr. Heffernan may be requested to make his recommendations, if any ... 15/10 ... HC 16/10 ... KMR 17.10.50

5th) Draft letter to Rajadas ... 2nd ...

(CK) 25/X/50 ... the Law Secy) ... 5th) KMR 26/10/50

25.10.50 ... 5th) Law Secy ... KMR 30/10/50.

[Law Secy is out of Hqrs

Letter No 10985 dt 31-10-50 to the Registrar

6741 13 OCT 1950 GOVT. OF MYSORE

5536 17 OCT 1950 GOVT. OF MYS

Office of the Minister for Law & Labour. No. 4978 Date 14.10.50

Office of the Chief Minister No. 3886 Date of Receipt 15/10

CHIEF SECY 1 SEP 1950

SECRETARY, LAW DEPARTMENT 7117 27 OCT 1950 GOVT. OF MYSORE

Serial No.

1 High Court of Mysore enquiry

55) Issued and

xxxd. Ry para 54

CR 56) For perusal

1/11/50 Law Secy) 57) Smk

1.11.50

SECRETARIAT 7156 - 2 NOV 1950 GOVERNMENT OF

58) BSV

7/11/50.

Smk

8/11/50

1.11.50.

No 10985/CR of 31-10-50

to the Registrar High Court of

Mysore Bgalore

Sro

Letter No ROC No 684/49-50

of 13-11-1950 from the

Registrar High Court of Mysore

stating that High Court does not

propose now to xxxx its

previous recommendations

59) subd with my b para

SI of the notes. High Court have

no specific recommendations

to make. They have only stated

that if Govt xxxx feel it necessary

to deal with the case by suitably

they may grant Sri Ganapatai

Sundaram combined leave

for six months, by relaxing

the relevant rules. Subd for

NOTE—Contn. Sheet.

orders.

CW
21/11/50

(b) The recommendations of the High Court in this case have not been uniform and are even contradictory to some extent.

(c) In their letter dated 4th/6th March 1950, read with letter dy 21st March 1950, the High Court took a very strict view of the matter; in their letter dy 17th/19th June 1950, they recommended a sympathetic consideration of the Officer's request; and in their latest letter they say that "if the Govt. feel it necessary to deal with this case sympathetically they may do so after relaxing the relevant rules". Throughout the High Court have made no specific proposal. It is therefore left to the Govt. to deal with the case.

(d) Sri Ganapathi Sundaram's request is that he may be granted Six months' Combined leave preparatory to retirement from service instead of only the 3 months and 8 days already notified. This means that he may be given another two months and 22 days of leave in addition to what has already been granted. The leave

General and Revenue Secretariat

Representation of Sri S. Gnanapathi Sundaram for grant of six months preparatory to retirement & promotion

File No 4580 of 19

App. Printing

WD 010975—GPB—2,000—20-7-50

Serial No.

is at his credit and except for the technical objection that it was not applied for in time and in the manner prescribed there may have been no objection to his availing himself of the full six months. This is explained by the Officer to be due to a bona fide mistake, and seeing that the Officer was for the best part of his service subject to the Fundamental Rules, his unfamiliarity with the provisions of M. S. R. may not be unnatural. In the circumstances, it is for orders whether Sri Gnanapathi Sundaram's request for the grant of leave for an additional period of two months and 22 days may be conceded. This requires financial concurrence and would be Council matter.

A

63) Refce. paras 50 and 51.

Law Secy)

Chief Secy)

21.11.50.

63) 7798 21/11

64) Remk 21.11.50

66) 7780 22/11/50.

Chief Secy.

New Fin. Secy

Wks

Remk 22/11/50

67) In view of A above, I have no objection.

23/11/50.

68) I agree: may be disposed of by circulation.

25/11/50

Remk 25.11.50

27.11.50

Remk 28/11/50

7798 21 NOV 1950 GOVT. OF MYSORE

CHIEF SECRETARY 7780 22 NOV 1950 GOVT. OF MYSORE

CHIEF SECRETARY 22 NOV 1950 REVENUE DEPT. GOVT. OF MYSORE

U.O. No. 8479 22 NOV 1950 FINANCIAL SECRETARY BANGALORE

6676 of Rm 25/11/50

CHIEF SECRETARY 27 NOV 1950 GOVT. OF MYS

NOTE—Contd. Sheet

Representation of Sri S. Ganapathi Sundaram for grant of 8 months combined leave preparatory to retirement on proportionate pension.

File No. Leave preparatory to retirement — of 19 .

General and Revenue Secretariat

Serial No. D.C. 478/50-51.

19) Draft circulation Note is put up for approval.

Law Secy) 20) Rem 30/11/50

CKP 30/11/50

Ch Secy) 21) BSN 21/12/ rma 4/12/50

Ltr 30.11.50.

22) Circulate.

Ltr 7/12/50

16/12/50

9/12/50

Chief Minister
No. 6955
Date of Receipt 9/12/50

GENERAL & REVENUE SECRETARIAT 1 DEC 1950 CONFIDENTIAL BRANCH

CHIEF SECRETARY 8 DEC 1950

GOVERNMENT 12 DEC 1950 CONFIDENTIAL BRANCH

Council [illegible] D.C. 478/50-51.
For disposal [illegible]
Received 12.12.50.
Financial concurrence 23.11.50.
Circulated 13.12.50.
Circulation to [illegible] on 23.12.50.

Date 13.12.50. Rem Asst. Secy., C.B.

13.12.50.

Ltr 13.12.50.

1. Circulation completed 23.12.50.
2. Minister's concur
3. Included in [illegible] the Council Proceedings on 26.12.50.
4. Forwarded to the Secretary Law (C.S.) Department with compliments for issue of orders and return to Confidential Branch, within a week.

Date 26.12.50. Rem Chief Secretary CP

26/12/50

26.12.50.

BSN 28/12/ Rem

9059 12 DEC 1950 GOVT OF MYSORE

GENERAL & REVENUE SECT 28 DEC 1950 CONFIDENTIAL BRANCH

Representation Sri J. Ganapathi Sundaram for grant of combined leave

Serial No.

4530/GB

Draft g.o sanctioning is subd

CKD 28/12/50

Issue KMR 29/12/50

Sd/- 28.12.50

Signed Copies of G.O. No. 13749-50/GB 40-50-2 dated 29th Dec. 1950 are placed below.

Asst. Secy. Finance 4/c) KMR 29/12/50

Sd/- 9/1

From no 4831/2-1-51

Fy has agreed

Sd/- 29/1 29/1/51

Issue 29/1/51

GO No 13749-50 GB 40-50-2 dt 29-12-1950.

(B)

The file was issued by the SB. After return from the SB, further action will be taken in the matter.

CKD 4/2/51

CIRCULATION NOTE.

Representation of Sri S. Ganapathisundaram, for grant of combined leave for six months preparatory to retirement from service

—

Sri S.Ganapathi Sundaram, who was District and Sessions Judge, Civil Station, Bangalore and who attained the age of superannuation on 26th April 1950 applied for combined leave for four months, with effect from 26th December 1950 preparatory to retirement from service. The leave was refused under Art. 147 Mysore Service Regulations and the officer was granted combined leave for 3 months and 8 days with effect from 26th April 1950 and was also permitted to prefix a portion of the summer vacation from 3rd April 1950 to 25th April 1950 to the leave.

The High Court have forwarded for consideration by Government a representation from the officer stating that he could not avail himself of the 22days of summer vacation and that he may be granted six months combined leave preparatory to retirement from service instead of 3 months and 8 days only already notified. This means that he may be given another two months and 22 days of leave in addition to what has already been granted. The leave is at his credit, but it cannot be granted as a matter of course because under the rules he should have applied for this leave well in time and it should have been refused in the interests of public service. The Officer has however explained that this was due to a bonafide mistake of not having been thoroughly acquainted with the provisions of the Mysore Service Regulations. Seeing that the officer was for the best part of his service subject to Fundamental Rules, and was unfamiliar with the provisions of the Mysore Service Regulations, it is proposed to grant six months combined leave to Sri S.Ganapathi Sundaram from the date of superannuation, viz., 26th April 1950 in modification of the leave previously granted to him.

The Financial Secretary has agreed. The Chief Minister has approved and has ordered that the subject may be disposed of by circulation.

DRAFT COUNCIL ORDER.

Council is of the opinion that in modification of the previous order ~~granting~~ Sri Ganapathi Sundaram may be granted combined leave for six months (3 months privilege leave on full pay and 3 months furlough on full average salary with effect from 26th April 1950 preparatory to retirement from service at the end of the period of leave.

Council F... D.C. 4787/50-51.
For disposal by Circulation
Received ..... 12.12.50.
Financial concurrence ..... 23.11.50.
Circulated ..... 13.12.50.
Circulation to complete on 23.11.50
Chief Secy.
Date 13.12.50

Asst. Secy., C.B

Secretary to Government,
Law Department.

CHIEF SECRETARY
14 DEC 195
GOVT. OF

15/12/50

CIRCULATION NOTE.

Representation of Sri S. Ganapathisundaram, for grant of combined leave for six months preparatory to retirement from service.

Sri S.Ganapathi Sundaram, who was District and Sessions Judge, Civil Station, Bangalore and who attained the age of superannuation on 26th April 1950 applied for combined leave for four months, with effect from 26th December 1950 preparatory to retirement from service. The leave was refused under Art. 147 Mysore Service Regulations and the officer was granted combined leave for 3 months and 8 days with effect from 26th April 1950 and was also permitted to prefix a portion of the summer vacation from 3rd April 1950 to 25th April 1950 to the leave.

The High Court have forwarded for consideration by Government a representation from the officer stating that he could not avail himself of the 22days of summer vacation and that he may be granted six months combined leave preparatory to retirement from service instead of 3 months and 8 days only already notified. This means that he may be given another two months and 22 days of leave in addition to what has already been granted. The leave is at his credit, but it cannot be granted as a matter of course because under the rules he should have applied for this leave well in time and it should have been refused in the interests of public service. The Officer has however explained that this was due to a bonafide mistake of not having been thoroughly acquainted with the provisions of the Mysore Service Regulations. Seeing that the officer was for the best part of his service subject to Fundamental Rules, and was unfamiliar with the provisions of the Mysore Service Regulations, it is proposed to grant six months combined leave to Sri S.Ganapathi Sundaram from the date of superannuation, viz., 26th April 1950 in modification of the leave previously granted to him.

The Financial Secretary has agreed. The Chief Minister has approved and has ordered that the subject may be disposed of by circulation.

DRAFT COUNCIL ORDER.

Council is of the opinion that in modification of the previous order ~~granting~~ Sri Ganapathi Sundaram may be granted combined leave for six months (3 months privilege leave on full pay and 3 months furlough on full average salary with effect from 26th April 1950 preparatory to retirement from service at the end of the period of leave.

M. Ramakrishnaiya
Secretary to Government,
Law Department.

Council File No. A.C.47/50-51.
For disposal by Circulation
Received 12.12.50
Financial concurrence 23.11.50
Circulated 13.12.50
Circulation to complete on 23.12.50

Date 13.12.50.

Asst. Secy., C.B

4044 CR. 1397/CB

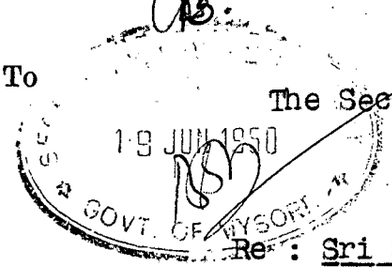
R. O. C. No. 694/49-50
D. Dis.
End: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore 17th June ***19***50.

Sri HPS

FROM

~~SRKXXXRXXXXXXXXXXXXXXXXXXXX~~
Registrar, High Court of Mysore.



To

The Secretary to the Government of Mysore,
Law Department,
B A N G A L O R E.

Re: Sri S. Ganapatisundaram. District Judge.(On leave).

SIR,

In forwarding herewith a representation addressed to the Government by Sri S. Ganapatisundaram, District Judge (on leave) requesting that he may be granted six months combined leave (3 months privilege leave on full salary and 3 months furlough on average salary) from the date of his superannuation, viz., 26-4-1950 in modification of the leave granted to him in Government Notification No. 777/C.B.40-50-1, dated 1-5-1950, I am directed to invite kind reference to this office letters of even number dated the 6th and 21st March 1950. I am, however, to request that in view of the special circumstances urged by Sri Ganapatisundaram in his present representation his prayer may be considered sympathetically.

Yours faithfully,

REGISTRAR.

2

CR.

Appendix F G—1] No. 4

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *194* .

Date of issue.....

Signed by.....

List of enclosures.....

Copied by .....

Examined by .....

No. 7156/CB. Dt. 3.8.50

To

The A.G. Mysore, Blre.

Sir,

In inviting reference to Memo no. 1426-27 (CB A) 1/5/50 forwarding a copy of ~~H.O.M.~~ Not dt. No. 777 (CB 40-50-1 A) 1st may 1950 Notifying the grant of 3 months and 8 days Combined leave from 26th April 1950 preparatory to retirement with Permission to prefix a portion of the Summer vacation from 3rd April 1950 to 25th April 1950. to Sri S. Ganapathi Sundaram M.A. B.L. Second Addl. Dt. & Sessions Judge, I am directed to state that the Govt not entitlise the

P. T.O.

portion of
a portion of the Summer vacation
from 3rd to 10 permitted and to
request You kindly to intimate
whether he can be granted compensatory
the nature and amount of leave
leave for that period afterwards in
to which he would be entitled
Continuation of the leave already granted
on this account.
Preparatory to retirement.

Yours faithfully

Asst
2/8/50.
J Sankey for Govt
Chief

2.8.50.

7156/C8.

8. 3. 8. 50.

The Accountant-General,
Mysore, Bangalore.

In inviting reference to Memo No.1426-27/C.B. dated 1st May 1950 forwarding a copy of Notification No.777/C.B.40-50-1 dated 1st May 1950 notifying the grant of 3 months and 8 days combined leave from 26th April 1950 preparatory to retirement with permission to prefix a portion of the summer vacation from 3rd April 1950 to 25th April 1950 to Sri.S.Ganapathi Sundaram,M.A.,B.L., Second Additional District and Session Judge, I am directed to state that he did not utilise the portion of the summer vacation so permitted and to request you kindly to intimate the nature and amount of compensatory leave to which he would be entitled on this account.

Yours faithfully,

for 8/8/50.
Chief Secretary to Governmen'.

LC/2

No. 9118/CB.

Date. 29th Sept. 1950

The Accountant-General,
Mysore, Bangalore.

I am directed to invite reference to this office letter No.7156/C.B. dated 3rd August 1950 regarding grant of compensatory leave to Sri.S.Ganapathi Sundaram, Retired District Judge, and to request you kindly to send an early reply in the matter.

Yours faithfully,

29/9/50
Chief Secretary to Government.

LC/2

~~No 7156/CB~~

No. 9118/CB. Date. 29th Sept. 1950

To

The Accountant
General

Sir

I am directed to invite reference to this office letter No 7156/CB dt 8/8/50 on the above subject regarding grant of comparatory leave to Sri. S Ganapathi Sundaram, retired district judge; and to request you kindly to send an early reply in the matter

Yours faithfully

Secy
27.9.50.
for Secy to Govt

27.9.50.

3730
C. B

OFFICE OF THE ACCOUNTANT-GENERAL,
MYSORE,

No. 602/G.A.D. *Bangalore, dated 30th September 1950.*

From

The Accountant-General, Mysore,
Bangalore.

To

The Chief Secretary to
the Government of Mysore,
Bangalore.

Sir

Sub:- Grant of leave to Sri.S.Ganapathisundaram, Second Additional District and Sessions Judge, Bangalore.

CHIEF SECRETARY 85 3 OCT 1950 CB GOVT. OF MYSORE

With reference to your letter No.7156/CB dated the 3rd August 1950 regarding the nature and amount of compensatory leave to which Sri.S.Ganapathi Sundaram would be entitled to in view of his not having utilised a portion of the summer vacation permitted to him in Govt.Notification No.777/CB 40-50-1 dated 1-5-1950, I write to state that the officer is not entitled to any further concessions as he has already been granted out of the six months combined leave (3 months privilege leave and 3 months furlough on average salary) certified to by this office with reference to the provisions of G.O.No.3570-7/CB.217-48-1 dated 25-11-1948 and the provisions of Art.209 of the M.S.R., combined leave for 3 months and 8 days (8 days Privilege leave and 3 months furlough on average salary) with effect from 26-4-1950, the date of his retirement and the question of any compensatory leave will arise only in the case of an officer granted privilege leave on half pay.

Yours faithfully,

For Accountant-General.

AVR.

G. R. S. App. F. G. 3.]

GENERAL AND REVENUE.

SECRETARIAT.

(*Continuation sheet draft form.*)

No. 10985/ecs. cul 1

Confl.

Dj. 31. 10. 50

To

The Registrar

High Court Nyaya

Banyabe

Sir

Subject Representation of Sri S. Ganapathi Sundaram for grant of combined leave for six months preparatory retirement pension

Ref Letter No R.C. 694/49-SV dt 17th/19th June 1950 from the Registrar High Court.

I am directed to state that orders already issued in this case were based on the recommendation of the High Court made in their letter No

PWD

WD 06072—GPB—25,000—21-6-49

RoC 694/49-50 dt
6-3-50 and No 931/49-50
dt 21-3-50 of the
High Court were
pleased to issue
their recommendations
and want mixed
orders of Govt, specific
proposals may
~~by Govt~~ may kindly
be sent for consideration.

The representation
of Sri Ganapathi Sundaram
is sent herewith for
transmission with
the reply.

Yours faithfully

dsmt
30/10/50
for Secy to Govt

dsmt
28/10/50 CA

25.10.50.

Y+B

F

Confidential

GOVERNMENT OF MYSORE.

General and Revenue Secretariat,

No. 10985/CB
Enclosure

Dated Bangalore, ...30th Oct...*195* 0
31/8

FROM

The Chief Secretary to the Government of Mysore.
Law Department.

To

The Registrar,
High Court of Mysore, Bangalore.

SIR,

Subject: Representation of Sri S. Ganapathi Sundaram for grant of combined leave for six months preparatory to retirement from service.

Ref: Letter No. R.O.C. 694/49-50 dated 17/19th June 1950 from the Registrar, High Court.

I am directed tostate that orders already issued in the case were based on the recommendations of the High Court made in their letters No.R.O.C. 694/49-50 dated 6th March 1950 and No.431/49-50 dated 21st March 1950. If the High Court now propose to revise their recommendations and want revised orders of Government, specific proposals, if any, may kindly be sent for consideration.

The representation of Sri Ganapathisundaram is sent herewith for re-transmission with the reply.

Yours faithfully,

21/10/50

for Secretary to Government, Law Dept.

CONFIDENTIAL

R. O. C. No. 694/49-50
D. Dis.
Encl. one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore. 11th November 1950.
13.

FROM

Sri L. RUDRAPPA, M.A., LL.B.,
The Registrar, High Court of Mysore.

SECRETARIAT LAW DEPARTMENT 13 NOV 1950 GOVT. OF MYSORE

To

The Secretary to the Government of Mysore,
Law Department, Bangalore.

SIR,

GENERAL & REVENUE SECRETARIAT 4530 13 NOV 1950 CONFIDENTIAL BRANCH.

Subject: Representation of Sri S.Ganapathisundaram, for grant of combined leave for six months preparatory to retirement from service.

With reference to your letter No.10985/C.B. dated the 31st October 1950 retransmitting the representation referred to above and requesting that specific proposals, if any, of the High Court may be sent to the Government for consideration on the above subject, I am directed to state that the recommendations in High Court letter of even number dated the 6th March 1950 and letter No. R.O.C.431/49-50 dated the 21st March 1950 were made having regard to the existing service rules and that the High Court does not propose now to revise its recommendation. I am, however, to request that if the Government feel it necessary to deal with this case sympathetically they may do so after relaxing the relevant rules. The relative representation of Sri S. Ganapathisundaram received with your letter is returned herewith.

Yours faithfully,

Registrar.

SKV.2

Civil Station,

No. P/7 Bangalore, Dated 26th May 1950.

From

Sri S. Ganapatisundaram, M.A.,B.L.,
District and Sessions Judge (on leave)
26, Park Road, Tasker Town,
Civil Station, Bangalore.

To

The Chief Secretary to the Government of
Mysore, Bangalore.

Through:

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I have the honour to invite a reference to - Notification No. 777/C-B.40-50-1 of the Government of Mysore, General and Revenue Secretariat dated 1-5-1950 in which I have been granted privilege leave on full pay for 8 days and furlough on full average salary for three months from 26th April 1950 preparatory to - retirement from service at the end of leave and to submit the following representation for modifying the above order and for granting me privilege leave on full pay for three months and furlough on full average - salary for three months i.e., combined leave for a total period of six months from 26th April 1950.

2. According to the terms offered to me when I was finally absorbed into Mysore Government Service after retrocession, I was given a credit of three - months' privilege leave only on 1-12-1948 in lieu of the ample leave which I had at my credit in my leave account under the Fundamental Rules. I understand that under Rule 209 (v) of the Mysore Service Regulations, I was entitled to privilege leave on full pay for three months and furlough on full average salary

P.T.O.

for three months i.e., combined leave for 6 months in all, preparatory to retirement. It is true that I should have applied prior to 26-10-1949 for this combined leave of 6 months with effect from 26-10-1949. But I was not well conversant with Mysore Government leave rules at that time and was under the bonafide mistaken impression that I was entitled to apply for only four months leave on full pay at a time as under the Fundamental Rules by which I was governed till 31-11-1948 and as I was moving about between Mysore, Mandya and Hassan frequently prior to 26-10-1949 on account of heavy Sessions work and had not the necessary time and facilities to consult any Senior Accounts Officer on the subject. Further, I was also hoping that I might get an extension of service for at least one year as I did not receive any communication from Government prior to 26-10-1949 that my services would be terminated with effect from 26-4-1950 and as I was given to understand that such a communication is usually sent to Gazetted Officers at least 6 months prior to their retirement. But I received such a communication on or about 24-11-1949 only and till I received it, I was under the bonafide impression that my services would be extended by the Government of Mysore, particularly as I had been absorbed in Mysore Government Service only recently on 1-12-1948 and was promoted as District and Sessions Judge on 20-1-1949. After I received intimation on or about 24-11-1949 that I had to retire from service on 26-4-1950, I applied on 10-12-1949 for leave on full pay for 4 months with effect from 26-12-1949 as I conscientiously felt that I should dispose of some old and tough part-heard cases which were in an advanced stage of trial in my Court (IInd Additional District and Sessions Judge's Court, Bangalore Division) before proceeding on leave and which I

eventually disposed of by 26-12-1949. Otherwise I would have applied for leave immediately after receipt of the intimation on or about 24-11-1949 about my impending retirement. It is in the above honest and bonafide belief and peculiar circumstances that I applied for leave for 4 months only on 10-12-1949, as otherwise I would have applied much earlier for 6 months' combined leave with effect from 26-10-1949. Further, since the leave applied for by me in my letter No. P-2 dated 10-12-1949 addressed to the Registrar, High Court of Mysore, Bangalore was not granted to me on account of the requirements of the public service, I venture to respectfully submit that, even if I had applied earlier for 6 months' combined leave with effect from 26-10-1949, my leave for this longer period also would not have been sanctioned as the same considerations which weighed for not granting me 4 months leave from 26-12-1949 would have equally weighed for not granting me 6 months leave from 26-10-1949 and that my bona fide mistake in not applying for 6 months combined leave from 26-10-1949 prior to that date should not therefore be allowed to affect me prejudicially by depriving me of my hard-earned privilege leave on full pay to the extent of 2 months and 23 days, particularly as I had agreed to forego the ample leave at my credit and to accept a credit of 3 months privilege leave only in my leave account when I was finally absorbed into Mysore Service on 1-12-1948. In this connection, I have to bring to the kind notice of Government that the reduction of my privilege leave by 2 months and 23 days to which I am justly entitled at the fag end of my official career

entails a reduction of my pension also which is bound to work considerable hardship on me for the rest of my life. I may add that I have not taken more than about 3 months leave in my total service of nearly 27 years and have not even enjoyed the summer recess during my long official career excepting on very rare occasions. For the foregoing reasons, I request that the Government may be pleased to consider my above request sympathetically, condone my bonafide mistake in not applying for combined leave for 6 months with effect from 26-10-1949 and modify their original order by granting me privilege leave on full pay for 3 months and furlough on full average salary for 3 months,, i.e., combined leave for a total period of 6 months with effect from 26-4-1950 preparatory to my retirement from service, at least as a special case, nnd save me from heavy pecuniary loss which I am put to both by way of leave salary and pension by being deprived of privilege leave for a period of 2 months and 23 days to which I am justly entitled.

3. In this connection, I have also to point out that I should be deemed to have been on duty during the portion of the summer vacation from 3-4-1950 to 25-4-1950 (both days inclusive) as I did not apply to the High Court for permission to avail myself of the above period and no order was communicated to me by the High Court permitting me to avail myself of the above period. I was not granted leave with effect from 3-4-1950 and was not directed to hand over charge to any other Officer on the forenoon of 3-4-1950 or afternoon of 2-4-1950. On the other hand, in the communication received by me from the High Court of Mysore, R.C.C. 888/49-50 dated 20-4-1950, I was specifically directed to hand over charge to Janab C. Abdul Nabi on the afternoon of 25-4-1950 only and I accordingly handed over charge to Janab C. Abdul Nabi on the afternoon of 25-4-1950. Since I did not receive any communication from the High Court till 3-4-1950 granting me leave from 3-4-1950 or permitting me

to avail myself of the portion of the summer vacation from 3-4-1950 to 25-4-1950 (both days inclusive) and since orders were passed by the Government regarding my leave on 1-5-1950 only as per notification No.777/ C.B. 40-50-1 dated 1-5-1950, I could not leave Bangalore to enjoy the summer recess and had to stay here alone between 3-4-1950 and 25-4-1950 as I was liable to discharge any duties that might be entrusted to me by the High Court or Government during the said period. In the circumstances stated above, I request that I might be treated to have been on duty till the afternoon of 25-4-1950 and that I might be granted 6 months combined leave with effect from 26-4-1950 only.

Yours faithfully,

V. Ramaprasadam

District and Sessions Judge.
(on leave).

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

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R e a d:

Government Notification No.777/C.B.40-50-1 dated 1st May 1950 granting Sri.S.Ganapathi Sundaram, Second Additional District and Sessions Judge, Bangalore combined leave for a period of 3 months and 8 days from 26th April 1950 preparatory to retirement from service at the end of the leave and permitting him to prefix a portion of the summer vacation from 3rd April 1950 to 25th April 1950 to the combined leave.

2. Correspondence ending with letter No.ROC.694/49-50 dated 13th November 1950 from the Registrar, High Court of Mysore forwarding the representation of Sri.S.Ganapathi Sundaram stating that he could not avail himself of the summer vacation and requesting that in modification of the leave granted to him in the Notification dated 1st May 1950 read above, he be granted combined leave for six months with effect from 26th April 1950.

****

ORDER NO.13749-50/C.B.40-50-2

DATED, BANGALORE, THE 29th DECEMBER 1950.

It is directed that in modification of the previous order, Sri.S. Ganapathi Sundaram be granted combined leave for six months with effect from 26th April 1950 preparatory to retirement from service at the end of the period of leave. Of the total period of leave three months will be privilege leave on full pay and the rest furlough on average salary.

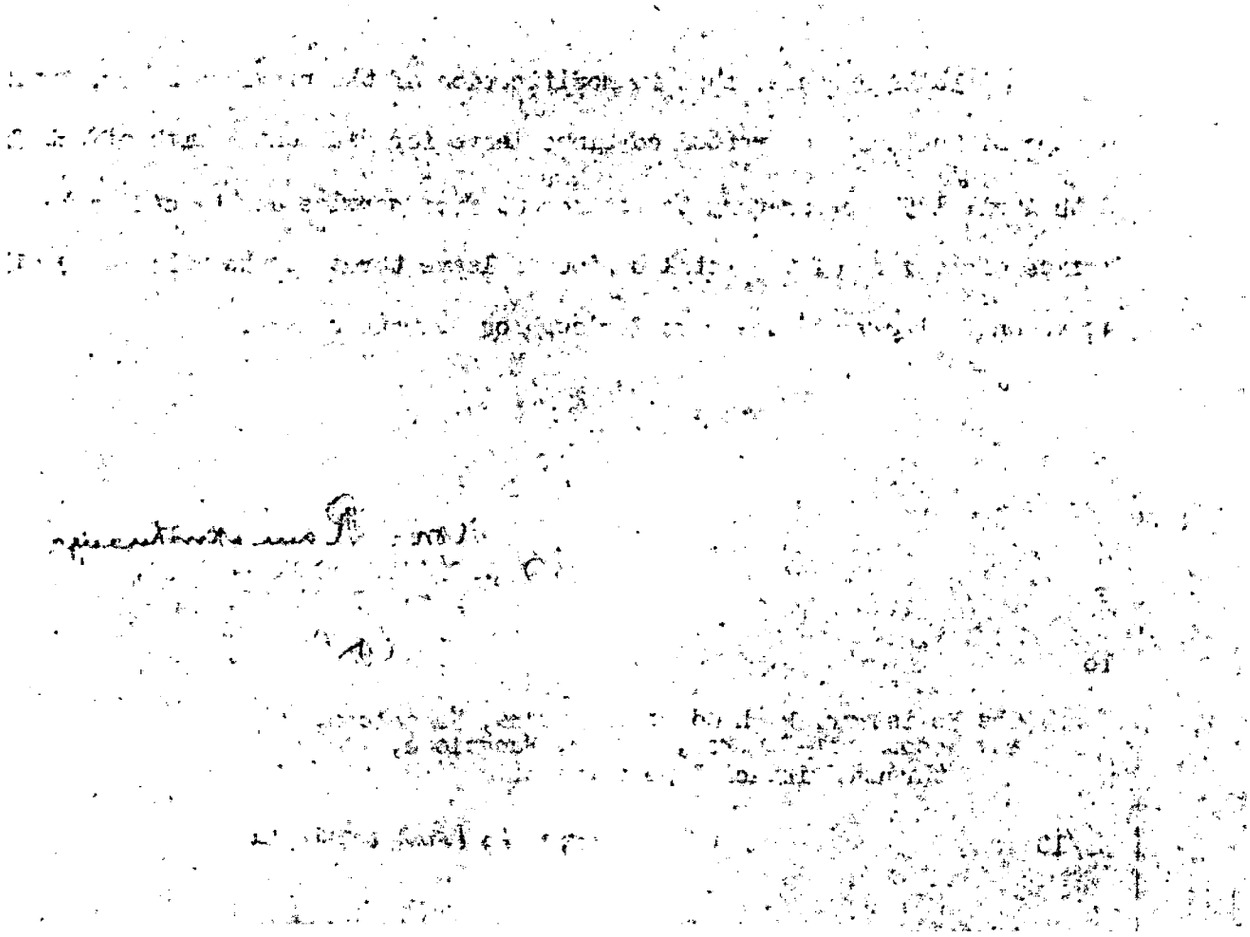
M.N. Ramaswamy Iyengar
SECRETARY TO GOVERNMENT,
LAW DEPARTMENT.

To

The Registrar, High Court of Mysore, Bangalore.
The Accountant-General, Mysore, Bangalore,
through Financial Department.

LC/10

copy to Law branch



G. R. S. App. F VI—G. 2]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 195 .

Date of issue..... 195

Signed by .....

L

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Govt Notification No. FF/GB GO-50-1 dt 15-1950 granting Sri S Ganapatai Hindasu Second Additional District and Sessions Judge, Bangalore combined leave for a period of 3 months and 8 days from 26-4-1950 with permission preparatory to retirement from service at the end of the leave and permitting

him to prefix a portion
of the summer vacation
from 2-4-50 to 25-4-50 to the
combined leave
2) Correspondence
ending with letter No ROC 694/49-S1
dt 13-11-1950 from the
Registrar, High
Court of Mysore forwarding
the recommendation representation
of Sri S. Ganapathi Sundaram
stating that he could
not avail himself of
the summer vacation
and requesting that
in modification of the
leave granted to him
in the Notification dt 1-5-50
read above, he be
granted combined
leave for six
months with effect
from 26-4-1950.

List of Enclosures.

Copied by

Examined by

WD 010844—GPB—8,000—21-7-50

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Order No 13749-50/GB.GO-50-2. Dt. 29-12-50

It is directed that in modification of the previous order, Sri S. Ganapathi Sundaram be granted combined leave for six months with effect from 26-4-50 preparatory to retirement from service at the end of the period of leave. Of the total period of leave, three months will be on leave on full pay and the remainder on average pay.

Secretary to Govt.
Law Department.

To
The Registrar, Hyderabad High Court.
The A.G. Hyd.
The D.

WD 0565—GPB—22,500—8-11-38

Copy to Revs Br.
28.12.50.